

Decision 03-05-019 May 8, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Bart Mulvihill, owner of Valley Airporters, Inc. and the West Valley Airporter, a passenger stage corporation as the Malibu Canyon Airporter for authority to operate as a scheduled passenger stage corporation between points in the Western San Fernando Valley and the Malibu area to the Los Angeles International Airport.

Application 02-12-024
(Filed December 9, 2002)

Application of Bart Mulvihill, owner of Valley Airporters, Inc. and the West Valley Airporter, a passenger stage corporation as the West Valley Airporter for authority to operate as a scheduled passenger stage corporation between points in the Conejo Valley and to the Los Angeles International Airport.

Application 02-12-041
(Filed December 30, 2002;
amended January 17, 2003)

O P I N I O N

Summary

This decision grants the applications of Bart Mulvihill (Applicant), an individual, pursuant to Pub. Util. Code § 1031 et seq., to extend his certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant is currently authorized, pursuant to Decision (D.) 02-12-014, to operate as a scheduled PSC transporting passengers and their baggage between

Woodland Hills and Tarzana, on the one hand, and Los Angeles International Airport (LAX), on the other hand.

Applicant has filed two applications requesting authority to serve additional points under his PSC certificate (PSC-15710). Application (A.) 02-12-024 requests authority to serve Calabasas and Malibu. A.02-12-041, as amended, seeks authority to provide service to Agoura Hills and Thousand Oaks (including the part of Westlake Village that is within the city limits of Thousand Oaks).¹ LAX will be the terminus for all services. Since each application involves common issues and facts, and concerns a request to expand the operating scope of PSC-15710, the applications should be consolidated for decision.

Applicant states there is a need for economical, scheduled service to these points. He offers that the fares charged by taxicabs, limousines and shuttles might not be affordable to individuals traveling on a budget. Applicant proposes to charge one-way adult fares to and from LAX as follows: Malibu - \$19; Calabasas - \$21; Thousand Oaks/Agoura Hills - \$23.

By letter dated January 21, 2003, the City of Thousand Oaks expressed support for A.02-12-041. The Public Works Director advised that Applicant's proposed service to the recently constructed City Transportation Center would benefit individuals who are dependent on public transportation as the Center is a transfer location for both local and regional bus services.

Notice of filing of these applications appeared in the Commission's Daily Calendar on December 20, 2002, and January 2 and 24, 2003. Applicant notified the affected cities and transit agencies. In Resolution ALJ 176-3105 dated

¹ The adjacent incorporated city of Westlake Village is not included.

January 16, 2003, the Commission preliminarily categorized these applications as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3105.

These are uncontested matters in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant is currently authorized to operate as a scheduled PSC, pursuant to D.02-12-014, to transport passengers and their baggage between Woodland Hills and Tarzana, on the one hand, and LAX, on the other hand.

2. A.02-1-024 requests authority to extend the scheduled PSC service to include the transportation of passengers and their baggage between Calabasas and Malibu, on the one hand, and LAX.

3. A.02-12-041 requests authority to extend the scheduled PSC service to include the transportation of passengers and their baggage between Agoura Hills and Thousand Oaks, on the one hand, and LAX, on the other hand.

4. Public convenience and necessity requires the proposed services.

5. No protest to either application has been filed.

6. A public hearing is not necessary.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the applications should be granted.
2. Because each application involves a request to modify certificate PSC-15710, the applications should be consolidated.
3. Since the matters are uncontested, the decision should be effective on the date it is signed.
4. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (CPCN) granted to Bart Mulvihill (Applicant), an individual, authorizing him to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-15710 of Decision 02-12-014, is amended by replacing First Revised Page 3 with Second Revised Page 3, subject to the conditions contained in the following paragraphs.
2. Applicant shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
 - c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective

date of this order, provided that the Commission and the public are given not less than ten days' notice.

- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that his evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

5. The CPCN to operate as PSC-15710, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. Application (A.) 02-12-024 and A.02-12-041, as amended, are granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated May 8, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

SECTION II. ROUTE DESCRIPTIONS.¹

Route 1 – Woodland Hills/Tarzana – Los International Airport (LAX)

Commencing from Woodland Hills, then over the most convenient streets, expressways, and highways to Tarzana and to LAX.

*Route 2 – Calabasas/Malibu – LAX

Commencing from Calabasas, then over the most convenient streets, expressways, and highways to Malibu and to LAX.

*Route 3 – Thousand Oaks/Agoura Hills – LAX

Commencing from Thousand Oaks,² then over the most convenient streets, expressways, and highways to Agoura Hills and to LAX.

¹ The carrier may combine any of the routes described for operational convenience or efficiency.

² This includes the part of Westlake Village that is within the city limits of Thousand Oaks. It does not include the adjacent incorporated city of Westlake Village.